5255721/2021/OP-WDC01

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

PUBLIC SERVICES – Dept., for Women, Children, Differently Abled & Sr. Citizens - Departmental Proceedings initiated under Rule 20 of the APCS (CC&A) Rules 1991 against Smt. P. Tulasamma , retired Superintendent O/o Project Director, DW&CDA, Ananthapur on the charges of **missing of pages in Current File No.1769/A/85** related to appointment of Sri K. Uma Maheswara Rao, Sr. Asst., O/o CDPO, ICDS Project, Kurnool in compliance of the Hon'ble Lokalukta orders dated 04-09-2014 in Complaint No. 2043/2011/B2 - Further action dropped – Orders - Issued.

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DEPTT FOR WOMEN, CHILDREN, DIFFERENTLY ABLED AND SENIOR CITIZENS (ESTT)

G.O.Rt.No.161. Dated: 30-11-2021.

Read the following:-

1. From the Hon'ble Lokayuktha of A.P. , orders dt:04-09-2014 in Complaint No. 2043/2011/B2.
2. G.O.Rt.No.69, WCDA & SC (Estt.A2) Dept., dated: 08.04.2015.
3. G.O.Rt.No.70, WCDA & SC (Estt.A2) Dept., dated: 08.04.2015.
4. G.O.Rt.No.71, WCDA & SC (Estt.A2) Dept., dated: 08.04.2015.
5. Hon'ble A.P.A.T final orders dated 11-06-2015 in O.A. No. 2811/2015 fled by Smt. P. Tulasamma, Retd. Supdt.
6. G.O.Rt.No.182, WCDA & SC (Estt.A2) Dept., dated: 07-11-2016.
7. G.O.Rt.No.183, WCDA & SC (Estt.A2) Dept., dated: 07-11-2016.
8. Hon'ble A.P.A.T final orders dt:23-04-2018 in O.A.No. 2811/2015 with V.M.A.No.5 of 2018.
9. Lr. No.WDC02-11023/17/2018-LEGAL-WD&CW, dt: 12.01.2020, of the Director, WD&CW Dept., Guntur.
10. Govt., Memo. No. 12022/43/2011/Estt.A2 Dt: 09/01/2019.
11. Lr. No.WDC02-11023/17/2018-LEGAL-WD&CW, dt: 05-10-2021, of the Director, WD&CW Dept., Guntur.
12. Circular Memo.No.1732/82/G1/LSP/2020, Government of Law Department, dated 01.10.2020

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ORDER:

Whereas, In the reference 1st read above, disciplinary proceedings were initiated against (i) Smt. M.K.R. Vijaya Kumari, Retd. R.D.D., W.D & C.W., Kurnool (ii) Smt. N. Sharada Bai, former Sr. Asst., O/o R.D.D., W.D & C.W., Kurnool and (iii) Smt. P. Tulasamma, Retd. Supdt., O/o P.D., D.W & C.D.A., Kurnool on the charges of **missing of pages in Current File No.1769/A/85** related to appointment of Sri K.Uma Maheswara Rao, Sr. Asst., O/o CDPO, ICDS Project, Kurnool in compliance of the A.P. Lokalukta complaint No.2043/2011/B2/3866/2013.

2. Accordingly, Govt. vide references 2nd, 3rd & 4th read above, have initiated disciplinary proceedings under Rule-9 (2) (b) of A.P. Revised Pension Rules, 1980 bl framing articles of charges in respect of (i) Smt. M.K.R. Vijaya Kumari, former RDD, WD&CW, Kurnool, and now retired (ii). Smt. P. Tulasamma, former Sr. Asst. and now retired and (iii) Smt. N. Sharada Bai, former Sr. Asst. and now retired, who are responsible for missing of certain pages in the file No.1769/A/85 relating to Sri K. Umamaheswara Rao, Sr. Asst. relating to appointment, promotion etc.,.

3. And Whereas, in the reference 5th read above, aggrieved with the orders of the Government, Smt. P. Tulasamma, former Superintendent, O/o P.D., D.W & C.D.A., Ananthapur has fled O.A.No.2811 of 2015 in the Hon'ble Tribunal on 11-06-2015, wherein, the Hon'ble Tribunal has passed the following orders:-

> "pending further orders in the original Application. There shall be stay of all further proceedings in pursuance of the impugned Charge Memo in G.O.Ms.No.70, Dept. for WCD & SC (Estt.A2), dt:08.04.2015 as it is prima facia contrary to Rule 9 (2)(b)(ii) of the A.P. Revised Pension Rules, 1980."

4. Meanwhile, Government have concluded the disciplinary proceedings initiated against the other two co-delinquent officers i.e. [i]. Smt. M.K.R. Vijala Kumari, former RDD, WD & CW, Kurnool now retired and [ii]. Smt. N. Sharada Bai, former Sr. Asst., O/o RDD, WD & CW, Kurnool dull imposing a penalty of 30% cut in admissible pension for a period of five years and 10% cut in admissible pension for a period of three years, under Rule – 9 of A.P.R.P. Rules, 1980, 1980 vide reference 6th & 7th read above, respectively.

5. While being so, the Hon'ble A.P.A.T in its final orders vide reference 8th read above, fled by P. Tulasamma, Retd. Superintendent, O/o D.W & C.D.A., Ananthapur, has quashed the Charge Memo. issued in reference 3rd read above, directing the respondents not to proceed with the departmental enquiry therein and dismissed the VMA.

6. And Whereas, in the reference 9th read above, the Director, WD&CW Dept. has stated that the Govt., Pleader for High Court has been requested to file an appeal before Hon'ble High Court against the orders dt. 23.04.2018 of A.P.A.T in O.A.No.2811 of 2015 with V.M.A No.5 of 2018 filed by Smt. P. Tulasamma, Supdt., (Retd.) O/o P.D, DW&CDA, Anantapur, as requested bl the Govt., vide reference 10th read above. However, the Govt., Pleader , A.P. High Court, in his letter dated: 26-11-2019 has informed that the alleged misconduct took place in the year 2006 and the charge memo was issued in G.O.Rt.No.70 of 2015, even though the incumbent retired from service in the year 2012.

7. And Whereas, in the reference 11th read above, the Director, WD&CW Dept. , has stated that the GP for Services, Hon'ble High Court of A.P has issued marginal written instructions on the above said appeal petition that the "OA was dismissed on 23.04.2018, W.P has to be filed within 30 days. Hence, it is barred by limitation since more than 3½ years passed. And more over, as per the Circular memo of the Govt., 01.10.2020, the Writ Petition has to be filed by the Government.

8. Government after careful examination of the entire matter, has decided to follow the final orders of the A.P.A.T in O.A No.2811/2015 with V.M.A.No.5 of 2018, dated 23,94,2018 and hereby order to drop further disciplinary action against Smt. P. Tulasamma, retired Superintendent O/o Project Director, DW&CDA, Ananthapur.

9. The Director, WD&CW, Guntur shall take further necessary action in the matter.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

A.R. ANURADHA
PRINCIPAL SECRETARY TO GOVERNMENT

To
The Director, WD&CW, A.P, Guntur.
Smt. P. Tulasamma, retired Superintendent O/o Project Director, DW&CDA, Ananthapur, (through the Director, WD&CW, A.P, Guntur)
The Director, WD&CW, A.P, Guntur.
The Deputy Registrar, Hon'ble Lokayuktha of A.P., Hyderabad. (w.r.t complaint No.2043/2011/B2/3866/2013)
The Government Pleader for Services, A.P. A.T., (w.r.t orders in O.A. No. 2811/2015 with V.M.A.No.5 of 2018.)
The Liason Officer, A.P. High Court, Amaravathi.
SF/SC.

// FORWARDED :: BY ORDER //

SECTION OFFICER